

STATE OF WASHINGTON
DEPARTMENT OF NATURAL RESOURCES
BOARD OF NATURAL RESOURCES

RESOLUTION NO. 1141

A **RESOLUTION** authorizing the Department of Natural Resources to implement the Lake Whatcom Landscape Management Plan Pilot Project, as identified in the January 30, 2004 Final Environmental Impact Statement for the Lake Whatcom Landscape Plan, subject to the various sections of this Resolution.

**BE IT RESOLVED BY THE BOARD OF NATURAL RESOURCES,
DEPARTMENT OF NATURAL RESOURCES, STATE OF WASHINGTON,
THAT:**

SECTION 1. State law, 2000 Washington Laws Chapter 205 (E2SSB 6731) directed the DNR to create “the Lake Whatcom landscape management pilot project” on state-owned forest lands located in the Lake Whatcom watershed area.

SECTION 2. The major purposes of the legislation were to protect water quality in the Lake Whatcom watershed and to address slope stability issues associated with past and prospective forest management. The law directed specific management strategies that included the following:

- Riparian management zones on all streams;
- Careful regulation of harvest and road construction on potentially unstable slopes;
- Prohibited new road construction on unstable slopes and limited reconstruction of old roads on unstable slopes;
- Sustained yield model specific to the Lake Whatcom watershed;
- Use of community and scientific information;
- Development of a road management plan; and
- Delayed all harvest and road construction until the plan is completed.

SECTION 3. Except as otherwise provided in this Resolution, the Board of Natural Resources adopts the Preferred Alternative discussed in the Final Environmental Impact Statement as the Landscape Plan for the Lake Whatcom watershed. This action shall complete the development of the Lake Whatcom Landscape Management Plan required by the Legislature.

SECTION 4 The legislation also requires an interjurisdictional committee to make recommendations to the Department concerning the implementation of the Landscape Plan. The Board of Natural Resources directs the Commissioner of Public Lands to appoint a five member interjurisdictional committee to review site-specific activities in the watershed, and make recommendations to the Department of Natural Resources. The committee shall evaluate any planned activities against the strategies contained within the Lake Whatcom Landscape Plan. The City of Bellingham, Lake Whatcom Water and Sewer District, and Whatcom County (together comprising the Lake Whatcom Management Committee) are each asked to provide the Commissioner of Public Lands with two recommendations for technical specialists. The Commissioner of Public Lands shall evaluate the nominees and make final selections, so as to have one technical specialist from each of the previously specified jurisdictions. If no nominees are received from these entities within ninety (90) days following the adoption of this resolution, the Commissioner of Public Lands shall independently select the committee members. The Northwest Region Manager shall nominate members of the general public for the interjurisdictional committee. Following informal consultation with each of the jurisdictions named above, the Commissioner of Public Lands shall select two members of the general public from the list of nominees. This section replaces the strategies under Objective 22 as identified in the January 30, 2004 Final Environmental Impact Statement for the Lake Whatcom Landscape Plan.

SECTION 5. The Environmental Impact Statement generated substantial scientific and other information not available in 2000, when the legislation requiring this pilot project on state-owned forest lands was adopted. Water quality studies by the Department of Ecology have increased the scientific understanding of the complex water quality

dynamics within Lake Whatcom. Therefore, the Department of Natural Resources is directed to produce a report to the Legislature. Said report shall be completed not later than December 31, 2004 and delivered to the Chairs of the appropriate committees, with copies to the legislative leadership and the Governor. Said report will detail the findings as to the benefits and costs associated with the implementation of this pilot project.

SECTION 6. The Department of Natural Resources shall annually report to the Board of Natural Resources on the results of implementation of the Lake Whatcom Landscape Management Plan Pilot Project. Said reports shall identify new information and implementation costs. The annual report also shall include an analysis of the management of the Lake Whatcom Landscape Management Plan Pilot Project in relation to the Sustainable Harvest and associated Forest Resource Plan (adoption pending), and in comparison to management of the remaining trust lands under DNR jurisdiction. Reports are required not later than July 1, 2005 and by July 1 of each subsequent year through 2011, unless otherwise directed by the Board of Natural Resources (see Section 8). Copies of said reports shall be delivered to the appropriate committees of the Legislature, so as to inform the Legislature regarding the status of this pilot project.

SECTION 7: The Department is directed to temporarily suspend the processing of future oil and gas leases for directional drilling that would access an area beneath the hydrographic boundary of the Lake Whatcom watershed. All interested parties are asked to provide the Department with written documentation that identifies the scientific basis for probable environmental impacts of directional drilling not later than November 30, 2005. This suspension shall expire not later than November 30, 2006 unless extended by the Board of Natural Resources. This section amends the strategies under Objective 16 as identified in the January 30, 2004 Final Environmental Impact Statement for the Lake Whatcom Landscape Plan.

SECTION 8. The Board of Natural Resources shall evaluate the report or reports identified in Section 6 to assess the sustainability of the Lake Whatcom Landscape Management Plan Pilot Project, paying specific attention to the economic impacts. Based

on the report(s) and the best interests of the trusts, the Board of Natural Resources may, at any time, direct the Department to revise the Plan, consistent with all applicable laws. The Board of Natural Resources shall comprehensively evaluate the pilot project not later than July 15, 2007. In addition, the Board of Natural Resources shall conduct a review, on or before July 15, 2011, to determine if the pilot project should be revised or if the Board of Natural Resources should recommend to the legislature its termination.

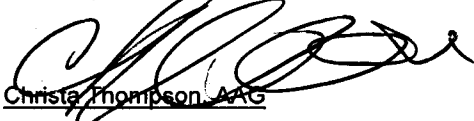
SECTION 9. In approving this resolution, the Board of Natural Resources has material concerns about the fiduciary efficacy of the Preferred Alternative. In order to address the Board's fiduciary responsibility, the Board directs the Department to start implementing the Plan and producing revenues as expeditiously as possible. In the previously identified reports, the Board directs the Department of Natural Resources to fully analyze issues that may compromise the long-term practice of sustainable forestry on state trust lands in the Lake Whatcom Watershed. The reports shall provide information to assist the Board of Natural Resources in its evaluation of its fiduciary responsibilities to ensure that the proper balance is maintained across all trusts in the Lake Whatcom watershed. Further, the Board of Natural Resources has substantial concerns that the management costs of Lake Whatcom will inequitably impact statewide trust operations.

APPROVED AND ADOPTED by the Board of Natural Resources, Department of Natural Resources, State of Washington, this 24th day of November, 2004.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the Commissioner of Public Lands.


DOUG SUTHERLAND
Commissioner of Public Lands

Approved as to form,
this 24 day of November, 2004


Christa Thompson, AGC